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January 13, 2021

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VIA CM/ECF

Honorable Paul A. Engelmayer  
United States District Court  
for the Southern District of New York  
40 Foley Square, Room 2201  
New York, NY 10007

Re: *Open Society Justice Initiative v. Office of the Director of National Intelligence*,  
No. 1:20-cv-06625-PAE

Dear Judge Engelmayer:

On behalf of Democracy for the Arab World Now (“DAWN”), we write to seek leave to submit the accompanying brief as *amicus curiae* in support of Plaintiff Open Society Justice Initiative’s cross-motion for summary judgment and in opposition to Defendant Office of the Director of National Intelligence’s motion for summary judgment. Both Plaintiff and Defendant consent to DAWN’s filing of the brief.

Resolution of a motion for leave to file an amicus brief lies in the firm discretion of the district court, because there is no governing standard, rule, or statute prescribing the procedure for obtaining leave to do so. *Women for Am. First v. De Blasio*, No. 20-CV-5746, 2020 WL 4904057, at \*2 (S.D.N.Y. Aug. 18, 2020) (citing *Lehman XS Tr., Series 2006-GP2 v. Greenpoint Mortg. Funding, Inc.*, No. 12-CV-7935, 2014 WL 265784, at \*1–\*2 (S.D.N.Y. Jan. 23, 2014)). “‘An amicus brief should normally be allowed when a party is not represented competently or is not represented at all, when the amicus has an interest in some other case that may be affected by the decision in the present case (though not enough affected to entitle the amicus to intervene and become a party in the present case), or when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.’” *C & A Carbone, Inc. v. Cty. of Rockland, NY*, No. 08-CV-6459, 2014 WL 1202699, at \*3 (S.D.N.Y. Mar. 24, 2014) (quoting *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1063 (7th Cir. 1997)) (internal citations omitted).

DAWN is a United States-based organization focused on exposing human rights violations and arbitrary and abusive practices by Middle East and North African governments, focusing on unjust prosecutions and the government officials responsible for them, along with the

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governments' foreign and domestic enablers. Journalist and dissident Jamal Khashoggi founded DAWN in January 2018 and was murdered just months later, before he could see his work and DAWN's work come to fruition. DAWN is currently prosecuting a civil lawsuit against Saudi Crown Prince Mohammed bin Salman and his co-conspirators, *Cengiz v. bin Salman*, No. 20-cv-3009 (D.D.C.), for the direct legal harm they caused DAWN through their involvement in Khashoggi's murder. Thus, DAWN's interests stem not only from the fact that DAWN is prosecuting a case that may be affected by the Court's decision in this case, but also because of its unique perspective and position as the embodiment of Khashoggi's mission. The clear objective of Khashoggi's murder was to silence him and put an end to his and DAWN's mission to seek democracy and observance of human rights in Saudi Arabia, and accountability for his murder is central to that mission.

For the foregoing reasons, DAWN respectfully requests that the Court grant DAWN leave to submit the attached brief as *amicus curiae*.

Best regards,

/s/ Keith M. Harper

Keith M. Harper

KMH:abp  
Attachment

cc: All Counsel of Record